

United States District Court  
District of Massachusetts

FILED  
U.S. DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
SEP 13 2004

Attachment 1

W. Michael Cahill

V.

Civil Action

NO. \_\_\_\_\_

Verizon/ System Council T6/ Local 2222 IBEW

COMPLAINT

Parties

1. The Plaintiff is a resident of Amesbury, Essex County, Massachusetts and a Citizen of the United States.
2. The defendant Verizon is located in Boston, Massachusetts, and System T^ Council/ Local 2222 IBEW is located in Quincy, Massachusetts.

Jurisdiction


3. Suit is being filed per the direction of the U.S. Equal Employment Opportunity Commission.

Facts

3. Hired as a Temporary employee October 30,2000 made full time regular by my managers Thomasine Williams and Dan Bradley December 2000/January 2001 (per union contract see management Rights).
4. Chris Gould a disabled temporary employee found out that I was made a full time regular employee and he was not. Past practices by both the union and the company if someone was made permanent prior then some one else whose net credited service date was before they would make that person permanent too, but instead they changed my status back to temporary. A change that has ruined my life. He has a complaint filed with the EEO.
5. March 2002 when I was out for the birth of my son I was informed by my manager Ellen that their was a discrepancy in my status and that she would have it corrected to reflect my full time regular status not too worry. She had informed me of this because I was out on FMLA and she needed to get me the paper work.
6. Upon returning I went to Tommy Moses union steward and tried to file grievance he refused.
7. Left several messages for Edward Fitzpatrick and Myles Calvey president of the union and business manager.
8. Laid off along 12/27/2002 with 3500 other employees.
9. Union won arbitration 7/2003 and company was to rehire and make whole all associates that were laid off. These associates were paid back pay, benefits, etc.
10. August 2003 Union and Company signed a 5-year contract with a job security clause of no lay offs.

11. If my status was not changed in error then I would have been able to enjoy the recall in July and the back pay along with the 5-year contract.
12. I have tried working with both the union and the company to correct this and to be made whole, but they have refused to work with me.
13. I am seeking to be back pay from January 2003 until the end of the contract that expires in August of 2008 (minus unemployment that was received in 2003), along with benefits, Corporate Profit Sharing Awards and Raises.
14. I demand a Jury trial.

I am seeking the amount of \$310,000.00 in both pay and benefits. This does not include emotional damages, and time spent on this case.

  
W. Michael Cahill  
12 Whitewood Circle  
Amesbury, Massachusetts 01913  
978-388-4405

## DISMISSAL AND NOTICE OF RIGHTS

To: **W. Michael Cahill**  
 12 Whitewood Circle,  
 Amesbury, MA 01913

From: **Boston Area Office**  
 John F. Kennedy Fed Bldg  
 Government Ctr, Room 475  
 Boston, MA 02203

☐ On behalf of person(s) aggrieved whose identity is  
 CONFIDENTIAL (29 CFR § 1601.7(a))

EEOC Charge No.	EEOC Representative	Telephone No.
<b>161-2004-00448</b>	<b>Rance A. O'Quinn, Enforcement Supervisor</b>	<b>(617) 565-3192</b>

**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability as defined by the Americans with Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☒ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.
- ☐ Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- ☐ While reasonable efforts were made to locate you, we were not able to do so.
- ☐ You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.
- ☐ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state)

### - NOTICE OF SUIT RIGHTS -

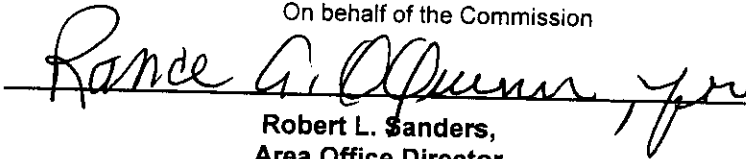
(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this Notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

Enclosure(s)

On behalf of the Commission



**Robert L. Sanders,**  
Area Office Director

**AUG 27 2004**

(Date Mailed)

cc: **SYSTEM COUNCIL T6/LOCAL 2222 IBEW**  
 122 Quincy Shore Drive  
 Quincy, MA 02171



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Boston Area Office**

John F. Kennedy Federal Building  
Government Center  
Fourth Floor, Room 475  
Boston, MA 02203  
(617) 565-3200  
TTY (617) 565-3204  
FAX (617) 565-3196

**AUG 27 2004**

Mr. Michael Cahill  
12 Whitewood Circle  
Amesbury, MA 01913

Re: Charge No. 161-2004-00448, Cahill v. System Council Local 222 IBEW

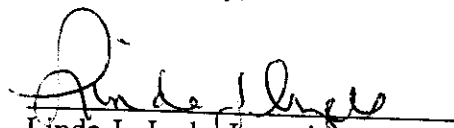
Dear Mr. Cahill:

The EEOC has concluded its inquiry into your allegations of discrimination. Under the Equal Employment Opportunity Commission's (EEOC) charge prioritization procedures, we focus our resources only on those charges that are most likely to result in findings of violations of the laws we enforce.

The Commission has review your allegations and has determined that your issues are untimely filed. You alleged that Respondent removed you as a permanent employee back to temporary employee in March 2002, and that when Respondent was mandated to recall employees in July 2003, you were not recalled. These issues occurred more than 300 days from the filing of your charge and are therefore untimely for an investigation.

Your Determination /Notice of Right to Sue is enclosed. The Determination is final. If you wish to pursue this charge, you may file in Federal District Court within ninety (90) days of receipt of the enclosed Notice of Right to Sue. Otherwise, your right to sue will be lost.

Yours Sincerely,

  
Linda J. Ingle, Investigator

**DISMISSAL AND NOTICE OF RIGHTS**

To: **Michael Cahill**  
12 Whitewood Circle,  
Amesbury, MA

From: **Boston Area Office**  
John F. Kennedy Fed Bldg  
Government Ctr, Room 475  
Boston, MA 02203

☐

On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR § 1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

161-2004-00297

**Rance A. O'Quinn,**  
Enforcement Supervisor

(617) 565-3192

**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans with Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☒

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.

☐

Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.

☐

While reasonable efforts were made to locate you, we were not able to do so.

☐

You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.

☐

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

**- NOTICE OF SUIT RIGHTS -**

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On behalf of the Commission

AUG 27 2004

Enclosure(s)

*Rance A. O'Quinn*  
Robert L. Sanders,  
Area Office Director

(Date Mailed)

cc: VERIZON

125 High Street  
Boston, MA 02110